[25th August 1955

APPENDIX V.

[Vide item VI (1) on page 749 supra.]

THE MADRAS CITY TENANTS' PROTECTION (AMENDMENT) BILL, 1955 (L.A. BILL No. 15 of 1955).

Composition of the Select Committee.

CHAIRMAN :

1 The Hon. Sri M. A. MANICKAVELU.

MEMBERS :

2 The Hon. Sri C. SUBRAMANIAM.
3 Sri S. C. C. ANTHONY PILLAI.
4 Sri Ar. A. Rm. CHOKKALINGAM CHETTIAR.
5 Sri T. P. ELUMALAI.
6 Sri V. GOPALA GOUNDAR.
7 Sri K. P. GOPALAN.
8 Sri M. KALYANASUNDARAM.
9 Sri K. P. KUTTIKRISHNAN NAYAR.
10 Sri G. NARAYANASWAMI NAIDU.
11 Sri L. C. PAIS
12 Sri K. RAJARAM.
13 Sri T. K. RAMA
14 Sri A. RAMASWAMY TEVAR.
15 Sri A. RATHINAM.
16 Sri T. SHANMUGAM.
17 Sri K. UPPI.
18 Dr. P. VARADARAJULU NAIDU.
19 Sri K. VENKATASWAMY NAIDU.
20 Sri K. VINAYAKAM.

SECRETARIAT :

1 Sri T. HANUMANTHAPPA, *Secretary*.
2 G. M. ALAGARSWAMI, *Assistant Secretary*.

REPORT OF THE SELECT COMMITTEE ON THE MADRAS CITY TENANTS' PROTECTION (AMENDMENT) BILL, 1955 (L.A. BILL No. 15 OF 1955).

To

THE HONOURABLE LEGISLATIVE ASSEMBLY, MADRAS.

The Select Committee appointed to consider the Madras City Tenants' Protection (Amendment) Bill, 1955 (L.A. Bill No. 15 of 1955), has the honour to make the following report.

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2. The Bill was published in English in the *Fort St. George Gazette* Extraordinary, dated the 2nd August 1955, and in other languages except Hindi, in Part IV-A of the *Fort St. George Gazette*, dated 10th August 1955.

3. The Committee was appointed on the 9th August 1955.

4. The Committee met at the Committee Room, Government Estate, Mount Road, Madras, on the 18th August 1955. The various written memoranda submitted were also placed before the Committee.

5. The Bill seeks to extend the provisions of the Madras City Tenants' Protection Act, 1921, to municipal towns in the mufassal also.

6. The Select Committee has subjected the clauses of the Bill to a careful scrutiny and as a result of such scrutiny has made some important changes in them. The more important among the changes are the following :—

Clause 2.

The Committee is of opinion that specified villages lying within a distance of five miles from the outer limits of the respective municipal towns should be brought within the ambit of the Bill.

Sub-clauses (1) and (2) (i) dealing with the long title and the preamble have been amended accordingly.

Clause 3.

This clause deals with the amendment of section 1 of the principal Act. The Committee is of the view that it is but fair that when the provisions of the Madras City Tenants' Protection Act 1922, are to be extended to other places with effect from the date on which they are so extended, the tenancies which had been effected after 1922 in the City of Madras are also covered.

Sub-section (3) of section 1 of the principal Act has therefore been amended accordingly.

Sub-section (2) of section 1 has also been amended for the same purpose for which clause 2 has been amended. Consequential amendments have been made in clauses 6 to 9.

7. A copy of the Bill as revised by the Select Committee is annexed.

8. The Committee considers that the changes made by it in the Bill are not of such importance as to necessitate the republication of the Bill.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS-2,
20*th August* 1955.

M. A. MANICKAVELU,
Chairman.

ANNEXURE.

[*Note.*—The changes made are sidelined or underlined and the portions omitted are indicated by dots.]

L.A. BILL No. 15 OF 1955.

A Bill further to amend the Madras City Tenants' Protection Act, 1921.

WHEREAS it is necessary further to amend the Madras City Tenants' Protection Act, 1921 (Madras Act III of 1922), for the purposes hereinafter appearing;

BE it enacted in the Sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras City Tenants' Protection (Amendment) Act, 1955.

2. *Amendment of long title and preamble, Madras Act III of* 1922.—In the Madras City Tenants' Protection Act, 1921 (Madras Act III of 1922) (hereinafter referred to as the principal Act),—

(1) in the long title, for the words " in the City of Madras ", the words " in municipal towns and adjoining areas in the State of Madras " shall be substituted;

(2) in the preamble—

(i) for the words " in many parts of the City of Madras ", the words " in municipal towns and adjoining areas in the State of Madras " shall be substituted;

(ii) the expression " and whereas the sanction of the Governor-General has been obtained under section 80-A (3) of the Government of India Act;" shall be omitted.

3. *Amendment of section* 1, *Madras Act III of* 1922.—In section 1 of the principal Act, for sub-section (2) and sub-section (3), the following shall be substituted, namely :—

" (2) It extends to the City of Madras and the State Government may, by notification in the *Fort St. George Gazette*, extend this Act to any other municipal town and any specified village within five miles of the City of Madras or such municipal town with effect from such date as may be specified in the notification.

(3) This Act shall apply, in the City of Madras, only to tenancies of land created before the commencement of the Madras City Tenants' Protection (Amendment) Act, 1955, and in any . . . municipal town or village to which this Act is extended by notification under sub-section (2) only to tenancies created before the date with effect from which this Act is extended to such town or village."

4. *Amendment of section* 7, *Madras Act III of* 1922.—In section 7 of the principal Act, for the words " or to the Presidency Small Cause Court ", the words, " or, in the City of Madras, either to such Court or to the Presidency Small Cause Court ", shall be substituted.

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5. *Substitution of new section for section 7-A in Madras Act III of* 1922.—For section 7-A of the Principal Act, the following section shall be substituted, namely :—

" 7-A. *Application by tenant.*—A tenant may apply to the Court having jurisdiction to entertain a suit for ejectment or, in the City of Madras, either to such Court or to Presidency Small Cause Court, to fix a reasonable rent for the occupation of the land or where on application under section 7, the rent previously payable for the land has been enhanced, for a reduction of the rent fixed; and thereupon the Court shall, by its order fix such rent as it deems reasonable."

6. *Amendment of section* 9, *Madras Act III of* 1922.—In section 9, sub-section (1), of the principal Act, for the words " after the date of this Act coming into force ", the words, brackets and figures " of the date of the Madras City Tenants' Protection (Amendment) Act, 1955, coming into force or of the date with effect from which this Act is extended to the municipal town or village in which the land is situate " shall be substituted.

7. *Amendment of section* 10, *Madras Act III of* 1922.—In sub-section (1) of section 10 of the principal Act, for the words " but have not been executed before the coming into force of this Act ", the words, brackets and figures " but have not been executed, in the City of Madras, before the commencement of the Madras City Tenants' Protection (Amendment) Act, 1955, and in any . . . municipal town or village, before the date with effect from which this Act is extended to such town or village " shall be substituted.

8. *Amendment of section* 11, *Madras Act III of* 1922.—In section 11 of the principal Act, for the second paragraph, the following paragraph shall be substituted, namely :—

" A copy of such notice shall at the same time be sent, in the case of property situated in the City of Madras, to the Commissioner of the Corporation of Madras, or, in the case of property situated in any . . . municipal town or village to which this Act is extended, to the executive authority of the municipality or the executive officer of the panchayat, as the case may be."

9. *Amendment of section* 13, *Madras Act III of* 1922.—In section 13 of the principal Act, after the words " the City of Madras ", the words " and to any . . . municipal town or village to which this Act is extended " shall be inserted.

10. *Repeal of Madras Ordinance II of* 1955.—(1) The Madras City Tenants' Protection (Amendment) Ordinance, 1955 (Madras Ordinance II of 1955), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the Madras City Tenants' Protection Act, 1921 (Madras Act III of 1922), as amended by the said Ordinance shall be deemed to have

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been done or taken in the exercise of the powers conferred by or under the said Act, as if this Act were in force on the day on which such thing was done or action was taken.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS-2,
20*th August* 1955.

T. HANUMANTHAPPA,
Secretary to the State Legislature.

PROCEEDINGS OF THE SELECT COMMITTEE ON THE MADRAS CITY TENANTS' PROTECTION (AMENDMENT) BILL, 1955 (L.A. BILL No. 15 OF 1955).

(As approved by the Chairman.)

Thursday, the 18*th August* 1955.

The Select Committee appointed to consider the Madras City Tenants' Protection (Amendment) Bill, 1955, met in the Committee Room in the old Legislators' Hostel, Government Estate, Mount Road, Madras, at 3 p.m. on Thursday, the 18th August 1955.

The following members were present :—

1 The Hon. Sri M. A. MANICKAVELU (*Chairman*).
2 Sri K. RAJARAM.
3 Sri K. VENKATASWAMY NAIDU.
4 Sri T. K. RAMA.
5 Sri G. NARAYANASWAMI NAIDU.
6 Sri A. RAMASWAMY TEVAR.
7 Sri K. P. KUTTIKRISHNAN NAYAR.
8 Sri L. C. PAIS.
9 Sri T. P. ELUMALAI.
10 Sri K. VINAYAKAM.
11 Sri V. GOPALA GOUNDER.
12 Sri S. C. C. ANTHONY PILLAI.
13 Sri K. P. GOPALAN.
14 Sri M. KALYANASUNDARAM.
15 Sri K. UPPI.
16 Sri A. RATHINAM.

The Secretary to the State Legislature and the Secretary to Government, Law Department, were also present.

Sri K. Rajaram wanted the Act to apply to area contiguous to municipal areas.

Sri M. Kalyanasundaram suggested that major panchayats like Tambaram, Tiruvottiyur, etc., should also be brought within the purview of the Bill.

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Sri K. Vinayakam pointed out that when the original Act came into force in 1922, Madras City was only a limited area but now it had extended considerably. He wanted that protection should be given to those tenants in the extended City limits like Saidapet, Guindy, Kodambakkam and Adyar and that the Bill should apply to tenancies which have been entered into since the date when the original Act was passed up to date.

Sri M. Kalyanasundaram wanted the Bill to apply only to residential buildings and not to business houses.

Sri G. Narayanaswami Naidu wanted that the Bill should extend to the whole of Madras State or at least to Tanjore district where a fairly large number of the buildings belonged either to charitable endowments or to mutts.

The Chairman said that the scope of the Bill should be restricted to places where there was real need.

After some discussion, it was decided that specified villages lying within a distance of five miles from the outer limits of the respective municipal towns should be brought within the ambit of the Bill.

Sri M. Kalyanasundaram pointed out that there were a number of evictions in places like Srirangam, Salem, Coimbatore and Kozhikode and therefore such municipalities should be specified in the Bill itself.

Sri K. Venkataswamy Naidu suggested that it was desirable to extend the Bill to cover all the municipalities.

The Chairman said that all municipalities will be covered by the Bill and it was better to confine the Bill to the cities alone as the very name of the Bill implied.

Finally it was decided to cover also cases of tenancies which had been effected after 1922 up to date in the case of Madras City.

Sri M. Kalyanasundaram wanted that one month's further time should be given in pending cases to enable persons to apply under the Act in places notified under the Ordinance.

It was pointed out to him that already one month's time had been given in the Ordinance in respect of those places and that it was not necessary to grant a further extension.

Sri T. K. Rama wanted that section 5 (2) of the original Act should be amended suitably so that the actual market value of the property might be arrived at by a proper procedure as, if depreciation is taken into account, the value of a building would practically come to zero in a few years, and suggested that the following should be substituted : " In determining such value the Court shall take into consideration the market value prevalent in the area for similar building and the estimated cost for erecting a similar building ".

The Chairman said that the present provisions regarding the allowing of depreciation had worked well and that no change was called for.

Sri T. K. Rama also wanted that the proposed Clause 7-A should be amended by inserting the words " 6 and " after the words " under section 7 ".

It was pointed out to him that there was provision in the proposed clause itself to enable the tenant to apply for fixation of a reasonable rent again and that the amendment was not necessary.

He also pointed out that the method by which the value of the land was arrived at in cases falling under section 9 (1) was highly unsatisfactory, as the lowest price within the last seven years formed the basis. The value of the land had gone up during the War period and the market value should be fixed with reference to normal period. He suggested that the price should be fixed according to the market value prevalent in 1939–40 or at 12 years' rent at the rate agreed upon at the time of occupation of the land, whichever was lower.

The Chairman said that it should not be fixed in an arbitrary manner.

The Law Secretary was requested to redraft the Bill in the light of the decisions taken.

The Committee authorized the Chairman to sign the report. It also decided that dissenting minutes, if any, should be sent before 3 p.m. on Saturday, the 20th August 1955.

The Committee decided that the Bill need not be republished.

The Committee then dispersed.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS-2,
20*th August* 1955.

T. HANUMANTHAPPA,
Secretary to the State Legislature.

TRUTH ALONE TRIUMPHS